

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

POLICE – Special Protection Force – Direct Recruitment of S.Is in SPF – Notification Rc.No. 931/R&T/Rect.1/2011, dt. 03.11.2011 issued by the A.P. State Level Police Recruitment Board, Hyderabad for recruitment of 68 S.Is (Men) in Special Protection Force Department, - Suspended by the A.P.A.T. Hyderabad in O.A. No. 653 of 2012, dt.13.02.2012 filed by Sri. A.D. Rami Reddy, ASI, of Special Protection Force, Hyderabad & others – Permission for recruitment of 32 vacancies of SIs instead of 68 – Orders – Issued.

FINANCE (SMPC-I) DEPARTMENT

G.O.Ms.No. 254

Dated: 12.09.2013.
Read the following:-

1. From: the Director General, Special Protection Force, A.P. Hyd., Lr. No. A1-90/SPF /2012, Dt. 06.03.2012. **read with** D.O. Lr. No. 27885-A/ 367/ A4/ SMPC-I/ Dt. 24.09.2011, of Finance (SMPC-I) Department.
2. From the Asst. Registrar, A.P. Administrative Tribunal. A.P. Hyd., Interim Orders in O.A. No. 653/2012, dt. 13.02.2012, filed by Sri. A.D.Rami Reddy, Asst.Sub. Inspector. S.P.F. Hyderabad.
3. Govt. Memo. No. 6656/Ser.III/A-1/2012, dt.01.05.2013, Home (Ser.III) Dept., addressed to the Govt. Pleader for Home Dept., at the A.P. Administrative Tribunal. Hyderabad.
4. Home (Ser.III) Dept., U.O.No. 6656/Ser.III/A1/2012, dated. 3.9.2013.

O R D E R:

In the ref. 1st read above, the Director General, Spl. Protection Force, A.P. Hyderabad, has furnished proposals stating that, Government had accorded permission to the Chairman, APSLPRB. Hyd., for the filling up of 68 posts of Sub Inspectors of the Spl. Protection Force by Direct Recruitment. Accordingly, the Chairman, APSLPRB. Hyd., had issued notification for recruitment of 68 posts of Sub- Inspectors in Spl. Protection Force.

2. In the ref. 2nd read above, the Hon'ble A.P. Admn. Tribunal, Hyd., have issued interim orders dt. 13.02.2012, in O.A.No. 653/2012, filed by Sri. A.D. Rami Reddy, Asst.Sub. Inspector. S.P.F. Hyd. directing for the suspension of the Notification Rc.N. 931/R&T/Rect.1/2011, dt. 03.11.2011, issued by the Chairman, APSLPRB. Hyd., until further orders, on the plea that as per Rule 3 of the A.P. Spl. Protection Force Subordinate Service Rules in G.O.Ms.No. 208, Home [Pol.F] Dt. 20.08.1997, 50% of the Cadre Strength has to be filled up by Direct Recruitment and remaining 50% shall be filled-up by [1] Promotion, [2] by Transfer, and [3] by deputation of Ex-Servicemen.

3. The method of filling up of the posts of Sub-Inspectors in the Special Protection Force, as issued vide G.O.Ms.No. 208, Home [Pol.F] dt. 20.08. 1997, is as follows:

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- i. 50% of the cadre strength by direct recruitment.
- ii. 22% of the Cadre Strength by promotion.
- iii. 10% and 16% of the Cadre Strength by transfer of SIs/RSIs from Police Force in the State and Central Police Organisations and by deputation of equivalent level security personnel; belonging to undertakings/ installations/ industries respectively, failing which by promotion of ASIs/ Head Constables.
- iv. 2% of the Cadre Strength by direct recruitment on sportsmen quota. Thus, 48% of the cadre Strength is filled up by promotion of ASIs subject to the above conditions.

4. Presently the Cadre Strength of the SIs in SPF is 144, and thus 75 posts of SIs (including 2% of Sportsmen quota [total 52%]) are to be filled up by direct recruitment. Presently, there are 43 direct recruit Sub Inspectors working as against a quota of 75 posts fixed as per the G.O.

5. Accordingly a notification for filling up of 68 posts of Sub Inspectors by direct recruitments was proposed & issued, due to the following reasons,

- (a) Lack of adequate infrastructure for deputing SPF personnel for Pre-Promotional Cadre Course which is mandatory for promotion to the post of Asst. S.Is, and No A.S.Is were available for promotions, as S.Is having not undergone the Pre-Promotional Cadre Courses.
- (b) Increased demand and urgency for filling up the posts of Sub Inspectors on account of expansions of the Force.
- [c] As the issue of seniority of the personnel including the applicants drawn from the Central Police Organisations was pending before the Hon'ble High Court of A.P. in W.P. Nos. 12353 of 2005 and in 19076 of 2009, the above proposal was made. Earlier the seniority of these personnel was finalized upto the rank of Head Constable based on the orders of the Hon'ble Tribunal in O.A. No. 894 of 2004, which was subsequently set aside by the Hon'ble High Court in their orders dt. 22.11.2011. Accordingly the Seniority from the rank of Constable upto the rank of Sub Inspectors of these personnel is to be reviewed afresh, as per the orders of the Hon'ble High Court of A.P. dt. 22.11.2011, in W.P.Nos. 12353 of 2005 and 19076 of 2009. Unless and until the seniority from the rank of Constable to the rank of Sub Inspector in each stage is reviewed and modified, the promotions to the applicants and others was not to be considered, since the placement of the applicants in the Seniority List is not known.

6. Therefore, in order to overcome the above situation, the quota of 52% (Direct Recruitment) and 26% (10+16) fixed for the personnel on deputation from the Police Dept., and also by transfer by absorption from the Central Police Organisations was taken into account during the direct recruitment of these Sub Inspectors, and 78% of the Cadre Strength was considered necessary for direct recruitment of Sub Inspectors and necessary Orders were issued by Government for the issue of the notification to Recruit 68 Sub Inspectors in the Special Protection Force, Hyderabad, by the Chairman, APSLRB, Hyderabad.

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7. In view of the Orders of the Hon'ble A.P. Admn. Tribunal, Hyderabad., In O.A. No. 653/2012, dt. 13.02.2012, filed by Sri. A.D.Rami Reddy, Asst. Sub-Inspector, S.P.F. Hyderabad, **suspending the Notification dt., 931/R&T/Rect.1/2011**, dt.03.11.2011, the Director General of Special Protection Force, Andhra Pradesh, Hyderabad **has submitted proposals and requested** Government to issue revised orders for the recruitment and allotment of only 32 posts of Direct Recruit Sub Inspectors to the Spl. Protection Force, as against 68 posts of SIs requested.

8. The matter has been examined in the light of various orders issued by the Hon'ble Supreme Court of India as detailed below:

- [a] **The Hon'ble Supreme Court, in the AIR 2009, SC 1994**, while pronouncing the Judgment has quoted the following judgments. "The State as an employer has a right to fill up all the posts or not to fill them up Unless a discrimination is made in regard to the filing up of the vacancies or an arbitrariness is committed, the concerned candidate will have no legal right for obtaining a Writ of or in the nature of mandamus (in Batiarani Gramiya Bank Vs Pallab Kumar and Ors., (2004) 9 SCC 100)".
- [b] **In Shankarsen VS Union of India ([1991] 3 SCC 47)** a Constitution Bench of Supreme Court held that, "It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied, Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the posts. Unless the relevant recruitment rules, so indicate, the State is under no legal duty to fill up all or any of the vacancies. However it does not mean that the State has the license of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bonafide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted."

9. After examining the report of the Director General, SPF., Government has arrived at the conclusion that an error has taken place in reporting the vacancies meant for direct recruitment and consequently vacancies have been reported in excess of cadre strength and the quota meant for direct recruitment to the category of SIs (SPF) (Men), and considered it necessary to rectify the error in order to ensure recruitment only to the extent of vacancies available as per the sanctioned strength and the quota meant for direct recruitment as per Service Rules.

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10. Government after careful examination of the matter duly considering the judgments of the Hon'ble Supreme Court of India in the matter as mentioned in para 8 above and in partial modification of the permission accorded in this department's D.O. Letter No. 23885-A/A4/SMPC-I, dated 24.9.2011, hereby accord permission to the Chairman, A.P.S.L.P.R.B., Hyderabad, to conduct recruitment only to 32 posts of S.Is (Men) in Special Protection Force, instead of 68 already notified vide Notification dt. 3.11.2011, [the results of which are yet to be announced], due to the wrong calculation in respect of vacant posts by relaxing para 2 (VII) of G.O. Ms. No. 424, General Administration (Services-A) Department, dt. 15.06. 2007.

11. Accordingly, the Chairman. A.P. S.L.P.R.B., Hyderabad, shall take up the recruitment of 32 posts of SIs (SPF) (Men) only in place of 68 posts of SIs (SPF) (Men) and he shall issue a supplementary notification duly obtaining the information regarding the revised roster points as per the rule of reservation and the presidential orders for each zone, before the announcement of results and process the examinations results thereafter.

12. The Director General, Special Protection Force, Andhra Pradesh, Hyderabad and the Chairman, Andhra Pradesh State Level Police Recruitment Board, Hyderabad are requested to initiate further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. P. V. RAMESH
PRINCIPAL SECRETARY TO GOVERNMENT (R&E)

To
The Home (Ser.III) Department.
The Director General, Special Protection Force, Andhra Pradesh, Hyderabad.
The Chairman, A.P. State Level Police Recruitment Board. Hyderabad.

Copy to:

The Director of Treasuries and Accounts, Tilak Road, Hyderabad.
The Pay and Accounts Officer, Hyderabad.
SF/SCs (C.No. 442/A4/SMPC-I/2013)

// Forwarded :: By Order//

SECTION OFFICER